

# PATENT COOPERATION TREATY

# PCT

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44*bis*)

Applicant's or agent's file reference UNI29 111 PCT	<b>FOR FURTHER ACTION</b>	See item 4 below
International application No. PCT/US2005/000870	International filing date ( <i>day/month/year</i> ) 12 January 2005 (12.01.2005)	Priority date ( <i>day/month/year</i> ) 13 January 2004 (13.01.2004)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant KELLER, Edward, B.		

1.	This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 <i>bis</i> .1(a).																								
2.	This REPORT consists of a total of 9 sheets, including this cover sheet.  In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.																								
3.	<p>This report contains indications relating to the following items:</p> <table style="width: 100%;"> <tr> <td style="width: 10%; text-align: center;"><input checked="" type="checkbox"/></td> <td style="width: 30%;">Box No. I</td> <td style="width: 80%;">Basis of the report</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table>	<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application
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4.	The International Bureau will communicate this report to designated Offices in accordance with Rules 44 <i>bis</i> .3(c) and 93 <i>bis</i> .1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44 <i>bis</i> .2).																								

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland  Facsimile No. +41 22 338 82 70	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 5px;">Date of issuance of this report 24 February 2009 (24.02.2009)</td> </tr> <tr> <td style="padding: 5px;">           Authorized officer   <div style="text-align: center; font-weight: bold; font-size: 1.2em;">Simin Baharlou</div> </td> </tr> </table> e-mail: pt09.pct@wipo.int	Date of issuance of this report 24 February 2009 (24.02.2009)	Authorized officer  <div style="text-align: center; font-weight: bold; font-size: 1.2em;">Simin Baharlou</div>
Date of issuance of this report 24 February 2009 (24.02.2009)			
Authorized officer  <div style="text-align: center; font-weight: bold; font-size: 1.2em;">Simin Baharlou</div>			

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:  
JOHN M. JOHNSON  
CARTER LEDYARD & MILBURN LLP  
2 WALL STREET  
NEW YORK, NY 10005

# PCT

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Applicant's or agent's file reference UNI29 111 PCT		Date of mailing (day/month/year) <b>09 JUN 2008</b>
International application No. PCT/US05/00870		International filing date (day/month/year) 12 January 2005 (12.01.2005)
International Patent Classification (IPC) or both national classification and IPC IPC: <b>G06Q 99/00</b> (2006.01) USPC: 705/10		Priority date (day/month/year) 13 January 2004 (13.01.2004)
Applicant EDWARD KELLER		

**1. This opinion contains indications relating to the following items:**

- |                                     |              |  |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | Box No. I    | Basis of the opinion   |
| <input type="checkbox"/>            | Box No. II   | Priority   |
| <input type="checkbox"/>            | Box No. III  | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability   |
| <input type="checkbox"/>            | Box No. IV   | Lack of unity of invention   |
| <input checked="" type="checkbox"/> | Box No. V    | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/>            | Box No. VI   | Certain documents cited  |
| <input type="checkbox"/>            | Box No. VII  | Certain defects in the international application   |
| <input type="checkbox"/>            | Box No. VIII | Certain observations on the international application  |

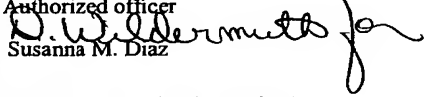
**2. FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

**3. For further details, see notes to Form PCT/ISA/220.**

Name and mailing address of the ISA/ US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201	Date of completion of this opinion 08 July 2006 (08.07.2006)	Authorized officer  Susanna M. Diaz Telephone No. (571) 272-6733
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PCT/US05/00870

**Box No. I Basis of this opinion**

1. With regard to the language, this opinion has been established on the basis of:

- ☒ the international application in the language in which it was filed
- ☐ a translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

- ☐ a sequence listing
- ☐ table(s) related to the sequence listing

b. format of material

- ☐ on paper
- ☐ in electronic form

c. time of filing/furnishing

- ☐ contained in the international application as filed.
- ☐ filed together with the international application in electronic form.
- ☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

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**Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)

Claims 2, 7, 13, 18 YES

Claims 1, 3-6, 8-12, 14-17, 19-22 NO

Inventive step (IS)

Claims NONE YES

Claims 1-22 NO

Industrial applicability (IA)

Claims 1-22 YES

Claims NONE NO

2. Citations and explanations:

Please See Continuation Sheet

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**Supplemental Box**

In case the space in any of the preceding boxes is not sufficient.

**V. 2. Citations and Explanations:**

Claims 1, 3-6, 8-12, 14-17, and 19-22 lack novelty under PCT Article 33(2) as being anticipated by Burson-Marsteller's e-fluentials<sup>SM</sup> research, as disclosed in Burson-Marsteller's archived e-fluentials web site, retrieved from [URL: <http://web.archive.org/.../efluentials.com...>]. These web pages have been archived by web.archive.org on June 1, 2002, February 3, 2003, and February 15, 2003.

E-fluentials discloses a method for identifying individuals in a population having a greater probability than other individuals in the population of influencing the choices made by individuals in the population comprising:

[Claim 1] a. formulating queries to be answered by an individual in a population such that the answers by an individual in a population indicate whether the individual has a greater probability than other individuals in the population of influencing choices made by individuals in the population (Page 2 -- A quiz is offered to individuals to determine if each individual is an influential person, or "e-fluential. "Representing 10% of the online population, approximately 11 million users, this group reaches more people on more topics than the average online users");

b. providing the queries to individuals in the population (Page 2 -- A quiz is offered to individuals to determine if each individual is an influential person, or "e-fluential; Page 3 -- E-fluential quiz questions are shown); and

c. analyzing the answers by the individuals in the population to determine which of the individuals in the population have a greater probability than other individuals in the population of influencing choices made by individuals in the population (Page 2 -- A quiz is offered to individuals to determine if each individual is an influential person, or "e-fluential. Pages 5-23 show the results of an E-fluential analysis);

[Claim 3] wherein the choices made by individuals are selected from the group consisting of:

consumer product decisions, consumer service decisions, political issue decisions, political candidate decisions, personal finance decisions, investment decisions, real estate decisions, insurance decisions, travel decisions, and leisure decisions (Page 3 -- An individual is inquired about sending e-mails to politicians, e.g., a decision relating to politics, and making friends online, e.g., a leisure decision);

[Claim 4] wherein the queries are based on factors selected from the group consisting of:

written or called any politician at the state, local, or national level; attended a political rally, speech, or organized protest of any kind; attended a public meeting on town or school affairs; held or run for political office; served on a committee for some local organization; served as an officer for some club or organization; written a letter to the editor of a newspaper or magazine or called a live radio or TV show to express an opinion; signed a petition; worked for a political party; made a speech; written an article for a magazine or newspaper; and been an active member of any group that tries to influence

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**In case the space in any of the preceding boxes is not sufficient.**

public policy or government (Page 3 -- An individual is inquired about sending e-mails to politicians, e.g., writing a politician (who is understood in the United States as being at the state, local, or national level), and sending e-mails to well-known news and media companies such as Time, Newsweek, or CNBS, e.g., writing a letter to a newspaper or magazine. The role of the recited editor is not defined in such a way that it affects the structure or functionality of the claimed invention; therefore, any individual who receives e-mail at a well-known news and media company from the potential E-fluential individual can be interpreted as the recited "editor");

[Claim 5] wherein the queries are based on factors selected from the group consisting of:

written or called any politician or contacted any government official at local regional or national level; attended a political rally, speech or event; attended a public meeting on town or school affairs; led or served on a committee on some local organization; written a letter to the editor of a newspaper or magazine or called a live radio or TV show to express an opinion; made a speech or gave a talk to a group; been an active member of a group that tries to influence public policy or create change in the community; asked a question in a public meeting; made a complaint to a store, company, or organization; made a sizable donation to a local or national organization; attended business lunches or dinners on a regular basis, and organized a special social event (Page 3 -- An individual is inquired about sending e-mails to politicians, e.g., writing a politician (who is understood in the United States as being at a local, regional, or national level)).

E-fluentials discloses a method for identifying individuals in a population having a greater probability than other individuals in the population of influencing the choices made by individuals in the population comprising:

[Claim 6] a. formulating queries to be answered by an individual in a population such that the answers by an individual in a population indicate whether the individual has a greater probability than other individuals in the population of influencing choices made by individuals in the population (Page 2 -- A quiz is offered to individuals to determine if each individual is an influential person, or "e-fluential. "Representing 10% of the online population, approximately 11 million users, this group reaches more people on more topics than the average online users");

b. providing the queries to individuals in the population (Page 2 -- A quiz is offered to individuals to determine if each individual is an influential person, or "e-fluential; Page 3 -- E-fluential quiz questions are shown);

c. analyzing the answers by the individuals in the population to determine which of the individuals in the population have a greater probability than other individuals in the population of influencing choices made by individuals in the population (Page 2 -- A quiz is offered to individuals to determine if each individual is an influential person, or "e-fluential. Pages 5-23 show the results of an E-fluential analysis);

d. identify a group comprised of the individuals who provided the answers to the questions that support the greater probability of influencing the choices made by individuals in the population (Page 2 -- A quiz is offered to individuals to determine if each individual is an influential person, or "e-fluential. Pages 5-23 show the results of an E-fluential analysis);

e. applying additional informational data to the identified group to assess a relationship between the additional information data and the identified group (Pages 5-23 show the results of an E-fluential analysis. Comparisons are made between identified influential people, or e-fluentials, and the general online population); and

f. applying the assessed relationship to a second population of individuals to determine which of the individuals in the second population having a greater probability than other individuals in the second population of influencing the choices made by individuals (Pages 5-23 show the results of an E-fluential analysis. Comparisons are made between identified influential people, or e-fluentials, and the general online population);

[Claim 8] wherein the choices made by individuals are selected from the group consisting of:

consumer product decisions, consumer service decisions, political issue decisions, political candidate decisions, personal finance decisions, investment decisions, real estate decisions, insurance decisions, travel decisions, and leisure decisions (Page 3 -- An individual is inquired about sending e-mails to politicians, e.g., a decision relating to politics, and making friends online, e.g., a leisure decision);

[Claim 9] wherein the queries are based on factors selected from the group consisting of:

written or called any politician at the state, local, or national level; attended a political rally, speech, or organized protest of any kind; attended a public meeting on town or school affairs; held or run for political office; served on a committee for some local organization; served as an officer for some club or organization; written a letter to the editor of a newspaper or magazine or called a live radio or TV show to express an opinion; signed a petition; worked for a political party; made a speech; written an article for a magazine or newspaper; and been an active member of any group that tries to influence public policy or government (Page 3 -- An individual is inquired about sending e-mails to politicians, e.g., writing a politician (who is understood in the United States as being at the state, local, or national level), and sending e-mails to well-known news and media companies such as Time, Newsweek, or CNBS, e.g., writing a letter to a newspaper or magazine. The role of the recited editor is not defined in such a way that it affects the structure or functionality of the claimed invention; therefore, any individual who receives e-mail at a well-known news and media company from the potential E-fluential individual can be interpreted as the recited "editor");

[Claim 10] wherein the queries are based on factors selected from the group consisting of:

written or called any politician or contacted any government official at local regional or national level; attended a political rally, speech or event; attended a public meeting on town or school affairs; led or served on a committee on some local organization; written a letter to the editor of a newspaper or magazine or called a live radio or TV show to express an opinion; made a speech or gave a talk to a group; been an active member of a group that tries to influence public policy or create change in the community; asked a question in a public meeting; made a complaint to a store, company, or organization; made a sizable donation to a local or national organization; attended business lunches or dinners on a regular

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**In case the space in any of the preceding boxes is not sufficient.**

basis, and organized a special social event (Page 3 -- An individual is inquired about sending e-mails to politicians, e.g., writing a politician (who is understood in the United States as being at a local, regional, or national level));

[Claim 11] wherein the additional informational data is based on factors selected from the group consisting of:

household size, household income, occupation, presence of young adult in household, retail purchase activity, political affiliation, corrective lenses, golf participant, cd player owner, personal or home computer owner, pc operating system type, religious or inspirational reader, religiously active, active in theater or performing arts, active in general arts or culture, active in current affairs or politics (Page 3 -- An individual is inquired about sending e-mails to politicians, e.g., active in politics).

E-fluentials discloses a system for identifying individuals in a population having a greater probability than other individuals in the population of influencing the choices made by individuals in the population comprising:

[Claim 12] a. a database populated with answers to queries by individuals in a population such that the answers by an individual in a population indicate whether the individual has a greater probability than other individuals in the population of influencing choices made by individuals in the population (Page 2 -- A quiz is offered to individuals to determine if each individual is an influential person, or "e-fluential. "Representing 10% of the online population, approximately 11 million users, this group reaches more people on more topics than the average online users." Since the quiz is offered over the Internet, the answers must be stored, at the very least temporarily, in a database); and

b. a processor for analyzing the answers by the individuals in the population to determine which of the individuals in the population have a greater probability than other individuals in the population of influencing choices made by individuals in the population (Page 2 -- A quiz is offered to individuals to determine if each individual is an influential person, or "e-fluential. Pages 5-23 show the results of an E-fluential analysis, which are processor-generated, at least on the web site);

[Claim 14] wherein the choices made by individuals are selected from the group consisting of:

consumer product decisions, consumer service decisions, political issue decisions, political candidate decisions, personal finance decisions, investment decisions, real estate decisions, insurance decisions, travel decisions, and leisure decisions (Page 3 -- An individual is inquired about sending e-mails to politicians, e.g., a decision relating to politics, and making friends online, e.g., a leisure decision);

[Claim 15] wherein the queries are based on factors selected from the group consisting of:

written or called any politician at the state, local, or national level; attended a political rally, speech, or organized protest of any kind; attended a public meeting on town or school affairs; held or run for political office; served on a committee for some local organization; served as an officer for some club or organization; written a letter to the editor of a newspaper or magazine or called a live radio or TV show to express an opinion; signed a petition; worked for a political party; made a speech; written an article for a magazine or newspaper; and been an active member of any group that tries to influence public policy or government (Page 3 -- An individual is inquired about sending e-mails to politicians, e.g., writing a politician (who is understood in the United States as being at the state, local, or national level), and sending e-mails to well-known news and media companies such as Time, Newsweek, or CNBS, e.g., writing a letter to a newspaper or magazine. The role of the recited editor is not defined in such a way that it affects the structure or functionality of the claimed invention; therefore, any individual who receives e-mail at a well-known news and media company from the potential E-fluential individual can be interpreted as the recited "editor");

[Claim 16] wherein the queries are based on factors selected from the group consisting of:

written or called any politician or contacted any government official at local regional or national level; attended a political rally, speech or event; attended a public meeting on town or school affairs; led or served on a committee on some local organization; written a letter to the editor of a newspaper or magazine or called a live radio or TV show to express an opinion; made a speech or gave a talk to a group; been an active member of a group that tries to influence public policy or create change in the community; asked a question in a public meeting; made a complaint to a store, company, or organization; made a sizable donation to a local or national organization; attended business lunches or dinners on a regular basis, and organized a special social event (Page 3 -- An individual is inquired about sending e-mails to politicians, e.g., writing a politician (who is understood in the United States as being at a local, regional, or national level)).

E-fluentials discloses a system for identifying individuals in a population having a greater probability than other individuals in the population of influencing the choices made by individuals in the population comprising:

[Claim 17] a. a database populated with answers to queries by individuals in a population such that the answers by an individual in a population indicate whether the individual has a greater probability than other individuals in the population of influencing choices made by individuals in the population (Page 2 -- A quiz is offered to individuals to determine if each individual is an influential person, or "e-fluential. "Representing 10% of the online population, approximately 11 million users, this group reaches more people on more topics than the average online users." Since the quiz is offered over the Internet, the answers must be stored, at the very least temporarily, in a database);

b. a processor for analyzing the answers by the individuals in the population to determine which of the individuals in the population have a greater probability than other individuals in the population of influencing choices made by individuals in the population (Page 2 -- A quiz is offered to individuals to determine if each individual is an influential person, or "e-fluential. Pages 5-23 show the results of an E-fluential analysis, which are processor-generated, at least on the web site);

c. a processor for identifying a group comprised of the individuals who provided the answers to the questions that support the greater probability of influencing the choices made by individuals in the population (Page 2 -- A quiz is offered to individuals to determine if each individual is an influential person, or "e-fluential. Pages 5-23 show the results of an E-

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fluent analysis, which are processor-generated, at least on the web site);

d. a database populated with additional informational data (Pages 5-23 show the results of an E-fluent analysis. Comparisons are made between identified influential people, or e-fluentials, and the general online population. Since the quiz and related results are offered over the Internet, the answers to the quiz and related results must be stored, at the very least temporarily, in a database);

e. a processor for applying additional informational data to the identified group to assess a relationship between the additional information data and the identified group (Pages 5-23 show the results of an E-fluent analysis, which are processor-generated, at least on the web site. Comparisons are made between identified influential people, or e-fluentials, and the general online population);

f. a database populated with the additional informational data of a second population of individuals (Pages 5-23 show the results of an E-fluent analysis. Comparisons are made between identified influential people, or e-fluentials, and the general online population. Since the quiz and related results are offered over the Internet, the answers to the quiz and related results must be stored, at the very least temporarily, in a database); and

g. a processor for applying the assessed relationship to a second population of individuals to determine which of the individuals in the second population having a greater probability than other individuals in the second population of influencing the choices made by individuals (Pages 5-23 show the results of an E-fluent analysis, which are processor-generated, at least on the web site. Comparisons are made between identified influential people, or e-fluentials, and the general online population);

[Claim 19] wherein the choices made by individuals are selected from the group consisting of:

consumer product decisions, consumer service decisions, political issue decisions, political candidate decisions, personal finance decisions, investment decisions, real estate decisions, insurance decisions, travel decisions, and leisure decisions (Page 3 -- An individual is inquired about sending e-mails to politicians, e.g., a decision relating to politics, and making friends online, e.g., a leisure decision);

[Claim 20] wherein the queries are based on factors selected from the group consisting of:

written or called any politician at the state, local, or national level; attended a political rally, speech, or organized protest of any kind; attended a public meeting on town or school affairs; held or run for political office; served on a committee for some local organization; served as an officer for some club or organization; written a letter to the editor of a newspaper or magazine or called a live radio or TV show to express an opinion; signed a petition; worked for a political party; made a speech; written an article for a magazine or newspaper; and been an active member of any group that tries to influence public policy or government (Page 3 -- An individual is inquired about sending e-mails to politicians, e.g., writing a politician (who is understood in the United States as being at the state, local, or national level), and sending e-mails to well-known news and media companies such as Time, Newsweek, or CNBS, e.g., writing a letter to a newspaper or magazine. The role of the recited editor is not defined in such a way that it affects the structure or functionality of the claimed invention; therefore, any individual who receives e-mail at a well-known news and media company from the potential E-fluent individual can be interpreted as the recited "editor");

[Claim 21] wherein the queries are based on factors selected from the group consisting of:

written or called any politician or contacted any government official at local regional or national level; attended a political rally, speech or event; attended a public meeting on town or school affairs; led or served on a committee on some local organization; written a letter to the editor of a newspaper or magazine or called a live radio or TV show to express an opinion; made a speech or gave a talk to a group; been an active member of a group that tries to influence public policy or create change in the community; asked a question in a public meeting; made a complaint to a store, company, or organization; made a sizable donation to a local or national organization; attended business lunches or dinners on a regular basis, and organized a special social event (Page 3 -- An individual is inquired about sending e-mails to politicians, e.g., writing a politician (who is understood in the United States as being at a local, regional, or national level));

[Claim 22] wherein the additional informational data is based on factors selected from the group consisting of:

household size, household income, occupation, presence of young adult in household, retail purchase activity, political affiliation, corrective lenses, golf participant, cd player owner, personal or home computer owner, pc operating system type, religious or inspirational reader, religiously active, active in theater or performing arts, active in general arts or culture, active in current affairs or politics (Page 3 -- An individual is inquired about sending e-mails to politicians, e.g., active in politics).

Claims 2, 7, 13, and 18 lack an inventive step under PCT Article 33(3) as being obvious over Burson-Marsteller's e-fluentials<sup>SM</sup> research, as disclosed in Burson-Marsteller's archived e-fluentials web site, retrieved from [URL: <http://web.archive.org/.../efluentials.com...>], as applied to claims 1, 6, 12, and 17 above. These web pages have been archived by web.archive.org on June 1, 2002, February 3, 2003, and February 15, 2003.

[Claims 2, 7, 13, 18] E-fluentials does not expressly teach that at least three of the queries answered by the individual in the population in the affirmative indicates whether the individual has a greater probability than other individuals in the population of influencing choices made by individuals in the population; however, E-fluentials explains that e-fluentials frequently perform the activities that are the subject of the quiz used to identify e-fluentials, such as sending e-mails to politicians and well-known news and media companies (pages 3, 11, and 23). Therefore, the Examiner submits that an individual who engages in more of these activities than another would likely be a more influential individual. Consequently, the Examiner further asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify Burson-Marsteller's e-fluentials<sup>SM</sup> research such that at least three of the queries answered by the



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**Supplemental Box**

**In case the space in any of the preceding boxes is not sufficient.**

individual in the population in the affirmative indicates whether the individual has a greater probability than other individuals in the population of influencing choices made by individuals in the population in order to facilitate the identification of individuals that are likely more influential in relation to other members of the general population.

Claims 1-22 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.